REMARKS

This application has been carefully considered in connection with the Examiner's Office Action dated December 26, 2007. Reconsideration and allowance are respectfully requested in view of the following.

Summary of Rejections

Claims 1-26 were pending at the time of the Office Action.

Claims 1-26 were rejected.

Summary of Response

Claims 1, 6, 11, 19, and 21-24 were previously presented.

Claims 2-5, 7-10, 12-18, 20, 25, and 26 remain as originally submitted.

Remarks and Arguments are provided below.

Summary of Claims Pending

Claims 1-26 are currently pending following this response.

Applicant Initiated Interview

Applicant thanks Examiner Qing and Examiner Nahar for their time and consideration of the arguments presented in the telephone interview on March 19, 2008. In the interview, the interpretation on page 26 of the Office Action of the limitation of "a bit-level call to an operating system" was discussed. Applicant presented arguments that a bit-level call to an operating system is not simply any call interfacing with an operating system as interpreted by the Office Action. Applicant provided further clarification of the limitation "bit-level" according the specification. Also discussed was the interpretation by the Office Action of the socket routines of Yu as COBOL routines. Applicant presented arguments that the socket routines of Yu are not COBOL routines. Examiner Qing and Examiner Nahar requested further clarification of the limitations of "a bit-level call" and a "COBOL routine" in this response.

Clarification of Claim Limitations

For clarification of the claim limitation of a "bit-level call," Applicant notes the disclosure in paragraphs [039], [040], and [041]. Paragraph [039] discloses, "In the present embodiment, and referring to the above described operating system documentation, the 'accept (BPX1ACP)' is the appropriate call to accept a connection request from a client." Paragraph [040] discloses, "The operating system call is made from the socket routine 20e, which, in the present embodiment, is a program written in COBOL having a routine or paragraph wherein a call is made in the COBOL code to the operating system 34 as described above... For example, the above call is described in the documentation as follows: CALL BPX1ACP, (Socket_descriptor, Sockaddr_length, Sockaddr, Return_value, Return_code, Reason_code)." Paragraph [041] discloses, "When the technical layer 10 is programmed in COBOL, as is the case in the present embodiment, the operating system calls require bit level mapping of the calls, parameters and returned information to complete a COBOL programming language call to the operating system 34... [T]he present embodiment employs bit level calls to communicate with the operating system to enable the COBOL program to look like an assembler call, as necessitated by the operating system. As such, the call to the operating system 34 has the correct bits, offsets and memory mapping to sufficiently interface with the operating system 34. As previously discussed, these specific bit level calls, including offsets, will depend upon the particular operating system 34 that is being employed."

Accordingly, it is clear that the limitation of a "bit-level call" may be a bit level mapping of an operating system call, its parameters, and returned information to enable a COBOL routine to interface with the operating system. In other words, a "bit-level call" may be a sequence of bits produced by a COBOL routine that makes the COBOL routine look like an assembler call from the perspective of the operating system such that the COBOL routine may interface with the operating system.

The Office Action presented an interpretation on page 26, "the interpretation of a broad limitation of 'a bit-level call to an operating system' as interfacing with an operating system and the like by one of ordinary skill in the art is considered to be reasonable by its plain meaning." Applicant respectfully submits that such an interpretation ignores the limitation "bit-level." As noted by the United States Supreme Court in *Graham v. John Deere Co. of Kansas City*, an obviousness determination begins with a finding that **"the prior art as a whole in one form or another contains all" of the elements of the claimed invention**. *See Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 22 (U.S. 1966). Applicant respectfully request future interpretations of the limitation "a bit-level call to an operating system" be made in light of the specification as discussed above and consider all of the elements of the limitation, including the limitation "bit-level." As discussed in more detail below, based on this understanding of the limitation "a bit-level call to an operating system," Applicant respectfully submits that neither the methods called by the operating system in Gungabeesoon nor the socket routines called in Yu are **bit-level** calls **to** the operating system, as claimed.

For clarification of the claim limitation of a "COBOL routine," Applicant notes the disclosure in paragraph [026], reproduced below for clarity,

> [026] In this embodiment, the technical layer 10, which will be described in greater detail hereinafter with regard to Figure 2, is implemented as a library having one or more callable modules, routines or subroutines usable by the COBOL program 12, such as by being linked into the COBOL program 12. In other embodiments, the callable modules or routines of the technical layer 10 may be integral or incorporated into the COBOL program 12. In yet other embodiments, the technical layer 10 may be employed as a pre-compiler, such that routines or functions enabling the distributed and asynchronous processing functionality are enabled prior to the COBOL program 12 being compiled. In still other embodiments, the technical layer 10 may be enabled as part of a COBOL compiler, such that the asynchronous and distributed processing functionality for the COBOL program 12 are enabled by the COBOL compiler during compilation.

Accordingly, the "COBOL routine" is a routine usable by a COBOL program. The "COBOL routine" may be linked into the COBOL program or be integral or incorporated into the COBOL program. The "COBOL routine" may also be a routine enabled by a pre-compiler or COBOL compiler. As discussed in more detail below, based on this understanding of the limitation "COBOL routine," Applicant respectfully submits that neither the methods called by the operating system in Gungabeesoon nor the socket routines called in Yu are COBOL routines, as claimed.

Response to Rejections

The Office Action responded to the various arguments presented in the response filed on December 26, 2007. Below is a detailed discussion of each of the responses in the Office Action.

I. Response to the Interpretations presented in Section (a).

In section (a) of the Response to Arguments, the Office Action relied on the disclosure of Gungabeesoon in Fig. 6; column 10, lines 62-66; and column 11, lines 13-18. The Office Action presented a new interpretation of the Gungabeesoon reference by stating, "Note that the input data is forwarded from the socket to the Read_Data method (reading, by a routine ..., information from a socket), then the data is forwarded to the operating system application runtime and ultimately to the legacy program. Prior to receiving the input data from the network server process, the legacy program first sends the output data to the operating system application runtime (a bit-level call to an operating system)." While the Read_Data method may generally disclose reading, by a routine, information from a socket, Applicant notes that the Read_Data method is called **by** the operating system and the information read from the socket is not read through a call **to** an operating system, as claimed. Also, the legacy program sending data to the operating system is not a **call** to the operating system, let alone a **bit-level call**, as claimed. Further, even if the legacy program **sending** data to the operating system was disclosure of a call to the operating system, it is not disclosure of **reading** data from a socket through a call to an operating system, as claimed.

II. Response to the Interpretations presented in Section (b).

In section (b) of the Response to Arguments, the Office Action stated, "the interpretation of a broad limitation of 'a bit-level call to an operating system' as interfacing with an operating system." As noted above, a bit-level call to an operating system is not simply any interface with an operating system. Because COBOL does not provide native support for interfacing with an operating system, the pending claims utilize a COBOL routine which employs bit level calls to communicate with the operating system to enable the COBOL routine to look like an assembler call, as necessitated by the operating system. Also noted above, the bit level calls are not simply any call to the operating system, but are bit level mapping of calls, parameters, and returned information to complete a COBOL programming language call to the operating system 34.

Response to Rejections under Section 102

Claim 24:

In the Office Action dated December 26, 2007, Claim 24 was rejected under 35 USC § 102(e) as being anticipated by Gungabeesoon, U.S. Patent No. 7,007,278 (hereinafter "Gungabeesoon").

III. Gungabeesoon does not disclose reading information from a socket through a bit-level call to an operating system.

Claim 24 recites, "reading, by a routine stored on a computer readable medium, information from a socket through a bit-level call to an operating system."

The Office Action relied on the Read_Data method disclosed by Gungabeesoon to read on the claim limitations. Gungabeesoon discloses in column 10, lines 29-31, "The operating system application runtime 430 calls the Read_Data and Write_Data methods." While the Read_Data method may read information from a socket, the Read_Data method is not a call **to** an operating system. Rather, the Read_Data method is a method that is called **by** an operating system. Further, the Read_Data method is not a bit-level call. A search of Gungabeesoon for the word "bit" did not produce any results.

For at least the reasons established above in sections I-III, Applicant respectfully submits that independent Claim 24 is not anticipated by Gungabeesoon and respectfully requests allowance of this claim.

Claims Depending From Claim 24:

In the Office Action dated December 26, 2007, Claims 25-26 were rejected under 35 USC § 102(e) as being anticipated by Gungabeesoon.

Dependent Claims 25-26 depend directly or indirectly from independent Claim 24 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-III above, Applicant respectfully submits that Claims 25-26 are not anticipated by Gungabeesoon and respectfully requests allowance of these claims.

Response to Rejections under Section 103

Claim 1:

In the Office Action dated December 26, 2007, Claim 1 was rejected under 35 USC §103(a) as being unpatentable over Gungabeesoon in view of Yu, U.S. Patent No. 5,721,876 (hereinafter "Yu").

IV. Gungabeesoon in view of Yu does not teach or suggest a COBOL routine callable from the COBOL program, the COBOL routine reads information from the socket through a bit-level call to an operating system.

Claim 1 recites, "a COBOL routine callable from the COBOL program, the COBOL routine reads information from the socket and writes the information read from the socket to the memory block in response to the COBOL program call, wherein the COBOL routine reads the information from the socket through a bit-level call to an operating system."

The Office Action stated on page 5 that Gungabeesoon does not disclose this limitation and relied on the disclosure of Yu to cure the deficiencies of Gungabeesoon. Specifically, the Office Action relied on disclosure in Yu of a socket function and a host sockets library for storing a plurality of socket subroutines. As discussed above, the socket routines of Yu are not COBOL routines, as claimed. A search for the term "COBOL" in Yu did not produce any results. Also, Yu does not provide any teaching or suggestion that the socket routines read information from sockets through a call to an operating system, let alone a bit-level call to an operating system, as claimed.

For at least the reasons established above in sections I-IV, Applicant respectfully submits that independent Claim 1 is not taught or suggested by Gungabeesoon in view of Yu and respectfully requests allowance of this claim.

Claims Depending From Claim 1:

In the Office Action dated December 26, 2007, Claims 2-5 were rejected under 35 USC §103(a) as being unpatentable over Gungabeesoon in view of Yu.

Dependent Claims 2-5 depend directly or indirectly from independent Claim 1 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-IV above, Applicant respectfully submits that Claims 2-5 are not taught or suggested by Gungabeesoon in view of Yu and respectfully requests allowance of these claims.

Claim 6:

In the Office Action dated December 26, 2007, Claim 6 was rejected under 35 USC §103(a) as being unpatentable over Gungabeesoon in view of Yu.

Claim 6 includes limitations substantially similar to the limitations discussed in sections I-IV above. For at least the reasons established above in sections I-IV, Applicant respectfully submits that independent Claim 6 is not taught or suggested by Gungabeesoon in view of Yu and respectfully requests allowance of this claim.

Claims Depending From Claim 6:

In the Office Action dated December 26, 2007, Claims 7-11 and 17-20 were rejected under 35 USC §103(a) as being unpatentable over Gungabeesoon in view of Yu.

Claims 12-14 were rejected under 35 USC § 103(a) as being unpatentable over Gungabeesoon in view of Yu and further in view of Vermeire, U.S. Patent No. 6,931,623 (hereinafter "Vermeire").

Claims 15 and16 were rejected under 35 USC § 103(a) as being unpatentable over Gungabeesoon in view of Yu and further in view of Ahmad, U.S. Patent No. 5,745,748 (hereinafter "Ahmad").

Dependent Claims 7-20 depend directly or indirectly from independent Claim 6 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-IV above, Applicant respectfully submits that Claims 7-20 are not taught or suggested by Gungabeesoon in view of Yu and respectfully request allowance of these claims. Applicant respectfully submits that Vermeire and Ahmad do not cure the deficiencies of Gungabeesoon and Yu noted above.

Claim 21:

In the Office Action dated December 26, 2007, Claim 21 was rejected under 35 USC §103(a) as being unpatentable over Gungabeesoon in view of Yu.

Claim 21 includes limitations substantially similar to the limitations discussed in sections I-IV above. For at least the reasons established above in sections I-IV, Applicant respectfully submits that independent Claim 21 is not taught or suggested by Gungabeesoon in view of Yu and respectfully requests allowance of this claim.

Claims Depending From Claim 21:

Dependent Claims 22-23 depend directly or indirectly from independent Claim 21 and incorporate all of the limitations thereof. Accordingly, for at least the reasons established in sections I-IV above, Applicant respectfully submits that Claims 22-23 are not taught or suggested by Gungabeesoon in view of Yu and respectfully requests allowance of these claims.

CONCLUSION

Applicant respectfully submits that the present application is in condition for allowance for the reasons stated above. If the Examiner has any questions or comments or otherwise feels it would be helpful in expediting the application, he is encourage to telephone the undersigned at (972) 731-2288.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 21-0765, Sprint.

Respectfully submitted,

Date: March 26, 2008

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